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REPORT OF ADVISORY COMMITTEE ON UNIFORM SYSTEM OF
NUMBERS FOR CODE OF THE STATE OF WASHINGTON

BY O. D. ANDERSON

It is always a good thing to get the applause in advance, rather than not getting it at the end.

This Code Committee has a long title. I understand it has now been reduced to just "Committee on the Code," and, after talking with several members of the Committee we thought at first we could just submit it on the written reports that have been published in the *Bar News*. I have hesitated a little bit to make a report of any length because it practically duplicates a good deal the remarks made concerning the Code by the President in his talk yesterday

I know that there are a number of members of the Bar that are not familiar with the Code situation from its conception. There are even some of the members of my Committee that have been only on it two or three years. Then President Nicholson and other members of the Bar with whom I talked thought it might be worth while to give you some of the highlights that are pertinent to this Code situation since the beginning.

So that there won't be any misunderstanding as to who is responsible for that Code or which Committee—there were two committees, one of them the Legislative Committee, and this Committee of the Bar. In 1941, the Legislature authorized the appointment of a Committee, which Committee was directed to take charge of this preparation and recompilation of the new Code for the new system of numbers. That Committee consisted of Mark Wight, who was Chairman of it, Mr. Alfred J. Schweppe, and Mrs. Marian Gallagher, of the University of Washington Law Library. In 1943, I believe, the law was amended to provide for revision of the Code in addition to what was in the original act. That Committee went to work and prepared a new Code with the assistance of a number of paid revisers.

I remember four years ago, at a Convention in this room, they had that new Code sitting on a table in the back of the room and you were all invited to examine it, and this Convention went on record as endorsing it at that time, and recommending its passage by the Legislature.

Just before the Legislature convened there had been a number of lawyers who had examined the Code and were very critical of it, and suggested that it wasn't in shape for passage at that time, so that a

meeting was had with the members of the joint committees—of the Judiciary Committees—of both houses of the Legislature, and they were induced to recommend to the Legislature that that Committee be continued for two more years, for further study and further revision to prepare the Code for recommendation for passage, and another appropriation was made for that purpose.

They did continue to revise the Code, with some changes in personnel, and two years later, before the 1949 session, there was further examination made of various sections of that proposed Code by a number of lawyers—and those of you who were specialists in different fields—and also the Seattle Bar Association appointed a committee of twenty, with the result that again their comments were very critical, and they thought it was not in condition to pass. Whether it was or not is probably a debatable question. At least there are those who take this view. But that was the recommendation and report made by the various lawyers who examined the Code at that time.

Again that report was made to a meeting of the Joint Committee of the two Houses, and they were asked not to adopt that Code, and as I recall now, a bill was passed at that time continuing the Committee and making another appropriation. I believe it was suggested that they work in conjunction with the University Law School, or something of that kind, and they made an appropriation of \$75,000.

As a result of meetings held with the Bar Association's Committee at that time, presided over by the president, Tracy Griffin, it was voted that he and someone else, I believe, go down to Olympia and urge the governor to veto that bill, which was done, and the governor did veto it, with the understanding and assurance at that time that a new Code—new Annotated Code—was going to be put out by Bancroft-Whitney that would be ready for the 1951 Legislature, or before it met.

I don't care to go into any personalities, or enter into any discussion about various viewpoints on this thing, but I do feel it was unfortunate that the thing continued from that time on in just the manner it did continue. That is, about that time, or after that session of the Legislature, this subcommittee of the Legislative Council apparently then took over this matter of the new Code, and assumed responsibility for going ahead and making further revisions in it themselves, with the idea that they would then present it to the 1951 session of the Legislature. I said it was unfortunate, because then you had two committees of the Legislature—one, the original committee appointed by statute for that purpose in existence, and you also had this other Committee

of the Legislature, this subcommittee, both charged with the same responsibility, and yet apparently the two groups never got together.

The Code Committee of the state Bar and the Board of Governors of the state Bar both adopted resolutions. The Board of Governors adopted a resolution in which they asked that Bancroft-Whitney be permitted to go ahead and get out a new Code, and that the Committee of the Legislative Council confine its activities to two or three, or not more than four, titles of that Code at the same time.

Neither the Board of Governors nor President Nicholas, who transmitted that to this Subcommittee, has had a response from them, and there was no response to Judge Nicholas's letters. So that it went on that way without any contact, as far as I know, between the Board of Governors and the official board, or committee, of the state Bar, and this Committee of the Legislature.

Everybody thought—I know I did from the correspondence I had, and everything—that it was going to be submitted to the 1951 session of the Legislature. Instead of that we had a special session in July

Heretofore the Bar Associations had been invited to come down and express their views before Committees of the two Houses, but this time no such invitation was offered. Apparently very few knew about it, although I am told there was an article in the newspaper that it was going to be submitted at that special session.

It was submitted. It was passed. And the Code, as gotten out by this original Code Committee (with some revisions—I don't know what they are—by the Subcommittee of the Legislative Council) was adopted by the special session of this Legislature.

Two of us, Judge Nicholas and I, went down to Olympia after that and talked to the Governor about it. The Governor said it had been passed almost unanimously by the two Houses of the Legislature, and was supported by every lawyer in both branches of the Legislature, and unless we had some arguments new to him that he had not heard before, there would not be any intervention—we could talk to lawyer members of the Legislature if we saw fit. He would be glad to have us do it.

We would be glad to. We met with them.

They expressed themselves as feeling that they had to do something. That it was embarrassing to them—the amount of money they had appropriated without any results up to then, and they felt that they had to pass this Bill as they did—this House Bill No. 13, I believe it was called. And that there wasn't—I am quoting them now—there was no

serious harm done because it was simply recognized by the Legislature as a Legal Code—the same as they had recognized Pierce's Code and Remington's Code, in the past.

There is a difference between these two, in that I think this is a Revised Code, where the language has been changed by revisers, whereas, at least Pierce's and Remington's attempted to put out a Code in the language of the Session Laws.

That is where we stand today

Apparently this child that is now legalized is not recognized by its original parents. It has been adopted by the Subcommittee of the Legislative Council, and it is a question right now for this Convention—if it sees fit in an advisory way—to determine whether it wants to become foster parent to this child and sponsor and nurture it, or whether it wants to take no action, or whether it wants to take an opposite view.

As it stands today, so far as this Bar Association officially is concerned, the Board of Governors, and the Committee appointed by the President, have gone on record as opposed to the adoption of this Code. When our report was made, it was prior to that special session of the Legislature. Since then we have been unable to do anything but report the action of the Legislature. So that is about all the report we have to make.

The Committee, of course, goes out of office tomorrow night. I think that whatever is done, there probably should be new personnel on that Committee, and its full efficiency set to express your views—as to what you want your next Board of Governors and directing officers of this organization to do with respect to that new Code.

REPORT OF RESOLUTIONS COMMITTEE

BY RICHARD S. MUNTER

Your Committee begs leave to report as follows:

1. The following resolution was submitted by Mr. Albert Sundahl of the Spokane Bar:

RESOLUTION

Submitted for the favorable action of the Washington State Bar Association at Convention assembled, August 9-12, 1950, at Spokane, Wash.

WHEREAS, the sum of \$4,000 is wholly insufficient as a substantial amount to be awarded or set aside to a surviving spouse in lieu of home-